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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,154	04/26/2007	Yoav Karmazin	P-7693-US	7296

56639 7590 12/11/2007  
EMPK & Shiloh, LLP  
116 JOHN ST,  
SUITE 1201  
NEW YORK, NY 10038

EXAMINER
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LIM, SENG HENG

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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12/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/593,154	Applicant(s) KARMAZIN, YOAV	
	Examiner Seng H. Lim	Art Unit 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 9 & 10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant is claiming a method and system referring to "substantially as described and illustrated".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5** are rejected under 35 U.S.C. 102(b) as being anticipated by Piper et al (US 2004/0097283 A1).

**Regarding claim 1, 5.** Piper et al discloses a method for allowing a user of a cellular device to participate in lottery drawings over a cellular network (Fig. 5), comprising: providing a central lottery computer for providing data related to lottery drawings (Fig. 5); providing a cellular drawing center linked to said cellular network and to said central lottery computer, said cellular drawing center is used for mediating between a cellular device and said central lottery computer (Fig. 5); dialing, via said cellular device, an access code for accessing said cellular drawing center (Fig. 6); identifying, by said cellular drawing center, the phone number assigned to said cellular device and executing recorded instruction for aiding the user of said cellular device to

execute the selection required in order to participate in one or more of said lottery drawings (Fig. 6, Abstract); submitting a confirmation message to said cellular device for reporting to said user, details of the lottery drawings in which said user is participating (Abstract, Fig. 5); and charging and/or crediting said user via the billing system of said cellular network (Fig. 6).

**Regarding claim 2.** At least during the initial attempt of the user to participate in the draw, requesting said user enter a pre-provided security code such as a pin number for preventing unwanted participating attempt to take place (Fig. 6).

**Regarding claim 4.** The selections of the user are executed inherently by pressing keys on the keyboard of the cellular device (Fig. 6)

**Claims 6-7** are rejected under 35 U.S.C. 102(b) as being anticipated by Piper et al (US 2004/0097283 A1).

**Regarding claim 6.** Piper et al discloses a system for allowing a user of a cellular device to participate in lottery drawings over a cellular network, comprising: a central lottery computer for providing data related to lottery draws (Fig. 5); a cellular drawing center, wherein said cellular drawing center is linked to said computer mad said cellular network (Fig. 5); a cellular device for allowing accessing cellular drawing center (Fig. 5); means for identifying the phone number assigned to said cellular device and means for executing recorded instruction for aiding said user to execute selections in order to participate in one or more of said lottery drawings (Fig. 6, Abstract); means for submitting a confirmation message to said cellular for repotting to said user details of the lottery drawings in which said user is participating (Abstract, Fig. 5); and means for charging and/or crediting said user via the billing system of said cellular network (Fig. 6).

**Regarding claim 7.** A system further comprising means for identifying a pre-provided code, at least during the initialize attempt of the user to participate in the draw, for preventing unwanted participation from taking place by using pin number (Fig. 6).

**Claim 9** is rejected under 35 U.S.C. 102(b) as being anticipated by Piper et al (US 2004/0097283 A1).

Piper et al discloses a method for allowing user to participate in lottery drawings over a cellular network, substantially as described and illustrated (Fig. 5 & 6).

**Claim 10** is rejected under 35 U.S.C. 102(b) as being anticipated by Piper et al (US 2004/0097283 A1).

Piper et al discloses a system for allowing user to participate in lottery drawings over a cellular network, substantially as described and illustrated (Fig. 5 & 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 3** rejected under 35 U.S.C. 103(a) as being unpatentable over Piper et al (US 2004/0097283 A1) as applied to claim 1, taken with Al-Ziyoud (US 2004/0224750 A1).

Piper et al does not disclose the cellular drawing center further comprising providing speech recognition means for allowing the user to execute selections by speech; however, the Office takes Official Notice that providing speech recognition means for allowing the user to execute selections by speech is well known in the art as evidenced by Al-Ziyoud. At the time of invention a person of ordinary skill in the art would have found it obvious to incorporate speech recognition means for allowing the use to

execute selections by speech and would have been motivated to do so to make it more convenient for user to execute election selections.

**Claim 8** rejected under 35 U.S.C. 103(a) as being unpatentable over Piper et al (US 2004/0097283 A1) as applied to claim 6, taken with Al-Ziyoud (US 2004/0224750 A1).

Piper et al does not disclose the cellular drawing center further comprising providing speech recognition means for allowing the user to execute selections by speech; however, the Office takes Official Notice that providing speech recognition means for allowing the user to execute selections by speech is well known in the art as evidenced by Al-Ziyoud. At the time of invention a person of ordinary skill in the art would have found it obvious to incorporate speech recognition means for allowing the user to execute selections by speech and would have been motivated to do so to make it more convenient for user to execute election selections.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached USPTO form PTO-892.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seng H. Lim whose telephone number is 571-270-3301. The examiner can normally be reached on 8:30-6:00, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'X. M. Thai', with a stylized flourish at the end.

XUAN M. THAI  
SUPERVISORY PATENT EXAMINER

SHL

December 4, 2007